

REMARKS

The Examiner's action and the rejection of claims 1-4 over Tamer et al under 35 USC 102(e) have been carefully considered and the application has been amended accordingly. Specifically, editorial revisions were made throughout the claims and independent claim 1 was amended to recite that the entitlement management message comprises a directly readable, intelligible descriptor message that provides immediate access to the selected program. This subject matter was disclosed at page 5, lines 1-19 and 25-28 of the specification and, therefore, no new matter has been introduced.

Claims 1-4, as amended, distinguish over Tamer et al. (USP 6,671,881) under 35 USC 102 because Tamer et al. fails to disclose, teach or suggest all of the features of the pending claims. In particular, independent claim 1, as amended, now recites the novel feature of an entitlement management message specific to an impulse purchase that is exclusively contained in data tied to presentation of a program listing and which comprises a directly readable, intelligible descriptor message that, advantageously, provides immediate access to a selected program.

By contrast, Tamer et al. discloses transmitting in data packet D4 program grid Data along with an Entitlement Control Message (ECM) or Entitlement Management Message (EMM) having in a header thereof a conditional access code that must be passed through a filter to authorize a pay per view purchase. Thus, Tamer et al.'s requirement for a conditional access code that must be filtered and decoded is not a directly readable, intelligible descriptor message which, advantageously, provides immediate access to a selected program, as required by amended independent claim 1. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Tamer et al. to include a directly readable, intelligible descriptor message, in view of Tamer et al.'s teaching away therefrom.

Inasmuch as Tamer et al. fails to disclose, teach or suggest all of the features recited in independent claim 1, as amended, that claim is allowable over the art of record. The dependent claims 2-4 are also allowable over Tamer et al. on their own merits and for at least the reasons set forth above with respect to independent claim 1.

The references that have been cited, but not applied by the Examiner, have been taken into consideration during formulation of this response. However, since such references were not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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